

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-287
Table of Allotments,)	RM-10569
FM Broadcast Stations.)	
(Stuart, Oklahoma))	
)	

REPORT AND ORDER

Adopted: January 15, 2003

Released: January 17, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making ("Notice")*, issued at the request of Robert Fabian ("Fabian"), seeking the allotment of Channel 228A to Stuart, Oklahoma, as that community's first commercial FM broadcast transmission service.¹ Fabian filed comments reiterating an intention to apply for Channel 228A if it is allotted to Stuart, as requested. No counterproposals or additional comments were received in response to the above-listed docket.

2. In view of the interest expressed in providing a first commercial FM broadcast transmission service to Stuart, Oklahoma, we will allot Channel 228A to that community, as requested. As stated in the *Notice*, Channel 228A can be allotted to Stuart in compliance with the Commission's minimum distance separation requirements at the city reference coordinates without a site restriction.²

3. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, **IT IS ORDERED**, That effective **March 3, 2003**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, **IS AMENDED**, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Stuart, Oklahoma	228A

¹ See *Snuurr, Oklahoma*, 17 FCC Rcd 18 107 (MB 2002).

² Stuart is an incorporated community with a 2000 U.S. Census population of 220 persons. Stuart has its own post office, fire department, school district, city hall, and a number of local churches.

³ The reference coordinates for Channel 228A at Stuart are 34-54-18 NL and 96-06-00 WL.

4. The window period for filing applications for Channel 228A at Stuan, Oklahoma will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED,

6. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2110.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau